

September 10, 2001

VIA FEDERAL EXPRESS AND E-MAIL

Docket Unit
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, CA 95814

Re: Rio Linda/Elverta Power Project (01-AFC-1)
Applicant's Objections to the Staff's Second
Set of Data Requests [92-234]

To whom it may concern:

Enclosed is the above-referenced document with original signature and 12 copies for internal distribution. We filed the document electronically on September 10, 2001 at approximately 4:00 p.m.

Sincerely,

Gail Harmon
Secretary to Douglas Wance
WESTON, BENSHOOF,
ROCHEFORT, RUBALCAVA & MacCUISH LLP

DEW/gh
Enclosures

JOCELYN THOMPSON (State Bar No. 106544)
KATHLEEN A. KENEALY (State Bar No. 212289)
DOUGLAS E. WANCE (State Bar No. 208170)
**WESTON, BENSHOOF, ROCHEFORT,
RUBALCAVA & MACCUISH LLP**
333 South Hope Street
Sixteenth Floor
Los Angeles, California 90071
Telephone: (213) 576-1000
Facsimile: (213) 576-1100

Attorneys for Applicant
FPLE Energy Sacramento Power, LLC

STATE OF CALIFORNIA

Energy Resources Conservation And Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE FPLE ENERGY SACRAMENTO
POWER, LLC RIO LINDA/ELVERTA
POWER PROJECT (RIO LINDA)

) Docket No. 01-AFC-1

)

) APPLICANT'S OBJECTIONS TO THE
) STAFF'S SECOND SET OF DATA
) REQUESTS [92-234]

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In accordance with Section 1716(e) of Title 20 of the California Code of Regulations, this letter communicates FPLE Energy Sacramento Power, Inc.'s ("FPLE" or "Applicant") objections to the Staff's Second Set of Data Requests (numbered 92-234). FPLE received these data requests on August 29, 2001. Section 1716(e) provides only ten days for FPLE to file its objections. While FPLE is filing these objections in accordance with the deadline, FPLE looks forward to further discussing these Data Requests with staff at the Data Request/Issues Resolution Workshop on September 11 and 12, 2001, and hopes that some of the objections may be resolved at that time.

General Issues

General Issue 1: Several of the Data Requests are ambiguous and confusing such that FPLE does not understand what information staff is seeking. For example, Data Requests 197, 229, and 230 are unclear. Although FPLE will attempt to provide answers to these requests, FPLE hopes that these questions will be clarified at the Workshop. However, to the extent that the clarification raises new issues that FPLE does not currently understand as part of the ambiguous data requests, and the clarified data requests are objectionable, Applicant reserves the right to amend this objection.

General Issue 2: In the intervening weeks since the July 17-18, 2001 Data Response Workshop, Applicant has explored potential water supply alternatives and mitigations. In addition, a Water Issues Workshop will be held on September 11, 2001. At this juncture, it is most likely that Applicant's Supplement will include changes to the water supply. In such case, Applicant intends to respond to data requests regarding water supply and related impacts as they apply to the scenario described in the Supplement.

Data Requests 156-158

Data Request 156: Please provide an acoustical analysis to address compliance with a noise standard of 40 dBA L_{90} at the nearest noise sensitive receivers. Include a listing of any additional required noise control measures.

Data Request 157: Please provide a map showing the sensitive receptors that are predicted to be exposed to construction noise levels which exceed the typical daytime ambient L_{90} by 5 dBA.

Data Request 158: Please provide a map showing the sensitive receptors that are predicted to be exposed to plant operation noise levels which exceed the typical nighttime ambient L_{90} values by 5 dBA.

Objection: FPLE objects to Data Requests 156-158 on the ground that they seek information that is not relevant to the proceedings. The requests solicit analyses relating variously to 40 dBA L_{90} , or incremental increases of 5 dBA above the typical daytime or nighttime ambient L_{90} . These levels are unrelated to the Sacramento County noise standard of 45 dBA nighttime.

Data Request 175

Request: Please provide vendor data for the new cooling tower design which includes the relative maximum design heat rejection rates for the “liquid/air contact wet section” and the “non-contact plume abatement heat exchange” section of the tower.

Objection: FPLE objects to Data Request 175 on the ground that it seeks information that is not reasonably available to FPLE. A detailed design of the plume-abated cooling tower has not been completed and FPLE has not contracted to purchase the equipment; therefore vendor details of the cooling tower are not available. Notwithstanding the above objection, FPLE will provide relevant manufacturer’s data, to the extent it is available.

Data Request 176

Request: Please provide a vendor performance guarantee for visible plume abatement based on the ambient conditions, combinations of temperature and relative humidity, at which visible plumes may start to form when the plume abatement section of the tower is operating at maximum capacity. This vendor guarantee can be provided in tabular form or as a line drawn on a psychrometric chart with the area left of the line indicating the ambient conditions where visible plumes may form when operating the plume abatement section of the tower at maximum capacity.

Objection: FPLE objects to Data Request 176 on the ground that it seeks information that is not reasonably available to FPLE. FPLE has not contracted to

Objections to Staff’s Second Set of Data Requests [92-234] Page 3

purchase the plume-abated cooling tower; therefore there is no vendor performance guarantee for visible plume abatement. Notwithstanding the above objection, FPLE will contact the manufacturer regarding release of the performance projections for the plume-abated cooling tower, and will provide such information to the extent it is authorized to do so.

Data Request 177

Request: In order for staff to model the potential visible plume frequency please provide exhaust parameter data, with the plume abatement system on maximum capacity during maximum steam turbine load, to complete the following table.

Ambient Condition	Exhaust Velocity (m/s)	Exhaust Flow Rate (lbs/hr/cell)	Exhaust Moisture Content (provide units)	Exhaust Temperature (°F)
20°F, 90% RH				
20°F, 50% RH				
20°F, 20% RH				
40°F, 90% RH				
40°F, 50% RH				
40°F, 20% RH				
60°F, 90% RH				
60°F, 50% RH				
60°F, 20% RH				
80°F, 90% RH				
80°F, 50% RH				
80°F, 20% RH				
100°F, 90% RH				
100°F, 50% RH				
100°F, 20% RH				

a. Please specify the units of moisture content given in the table. Percent by weight, percent by volume, or relative humidity of the exhaust at the given exhaust temperature are acceptable units.

b. Please note that staff intends to model the plume abated cooling tower using hourly estimated exhaust conditions based on the hourly ambient conditions of the meteorological file used to perform the modeling. The cooling tower exhaust conditions will be interpolated based on the exhaust values given. Therefore, additional combinations of temperature and relative humidity, if provided by the applicant, will be used to more accurately represent the cooling tower exhaust conditions.

Objection: FPLE objects to Data Request 177 on the ground that it seeks information that is not relevant to the proceedings or reasonably available to FPLE. Applicant is aware of only one model used by the CEC staff to evaluate visible plumes, and this model is not appropriate for Applicant's proposed abated plume. The SACTI model assumes 100% saturation of the plume, yet the abatement proposed by Applicant substantially reduces the saturation. Therefore, SACTI modeling is not relevant to Applicant's abated plume. In addition, the data requested by staff include meteorological conditions not encountered at the proposed site (e.g., 100% F and 20% RH).

Data Request 178

Request: Please provide the estimated capital and operating costs of the original non-abated wet cooling tower design and the new plume-abated wet cooling tower design, and indicate the estimated incremental power consumption increase (i.e. efficiency loss) required to operate the new plume-abated cooling tower. This data should be from a cooling tower manufacturer(s) and should include detailed line item costs where available.

Objection: FPLE objects to Data Request 178 on the ground that it seeks information that is not relevant to the proceeding or reasonably necessary in order for the Commission to make a decision on FPLE's application. FPLE further objects to this Data Request because it seeks information not reasonably available to FPLE. FPLE is

Objections to Staff's Second Set of Data Requests [92-234] Page 5

not proposing to construct a non-abated wet cooling tower and therefore has no estimated costs for such a tower. Regardless of the type of cooling tower FPLE may propose, FPLE has not selected a manufacturer because to do so would be premature at this stage of the certification proceeding. Notwithstanding the above objection, FPLE will submit manufacturer-related information to the extent available.

Data Requests 203, 204 and 205

Data Request 203: Please provide any available information regarding the location of private domestic or irrigation wells and the location of privately irrigated parcels.

Data Request 204: Please provide any other information on the existing private wells within the District, including well logs, construction details, specific capacity tests, and other well or aquifer tests.

Data Request 205: Please provide maps, reports, information, policies, or regulations on land within the District that would either provide acceptable or unacceptable sites for new wells.

Objection: FPLE objects to Data Requests 203, 204 and 205 on the grounds that they are overbroad in requesting information regarding all private well within the Rio Linda Elverta Water District. Notwithstanding the objection, FPLE will attempt to obtain the requested information with respect to private wells within one mile of any new well associated with the RLEPP.

Data Request 206

Request: Please provide addresses, parcels and map locations for current customers serviced by the District.

Objection: FPLE objects to Data Request 206 on the grounds that it seeks information that is not relevant to the proceeding or reasonably necessary in order for the Commission to make a decision on FPLE's application. FPLE further objects to this Data Request because it seeks information that it seeks information that is not reasonably available to FPLE. There is no connection between the customer list of the RLECWD and the potential environmental impacts of the RLEPP. Moreover, FPLE does not have access to the RLECWD's customer list.

Data Request 210

Request: The response to Data Request #91 refers to "the model results". Presumably, this model refers to the Montgomery Watson-Harza's North American River and Sacramento County Combined Integrated Groundwater and Surface Water Model (MWH Model). Please identify the model that was used to produce the results discussed in this data response. Please provide a copy of any reports, computer codes, input files and output files associated with this model and used to produce this analysis, if not previously provided. Please specify the version and simulation of the model if multiple versions and simulations exist.

Objection: FPLE objects to Data Request 91 in that the model information requested is not reasonably available to FPLE. Essentially the same model information was requested by Data Request 87. In May 2001, FPLE objected to Data Request 87 as follows:

FPL Energy does not possess or control the computer model program or the input and output files The computer model program, the Integrated Groundwater-Surface Water Model, was developed by the firm of Montgomery Watson, and has been used by water agencies in the Sacramento area for regional

water quality planning efforts over the past 10 years FPL did not control the creation of this information, did not conduct the modeling, and does not possess the computer model or the inputs or outputs. Consequently, this information is not reasonably available to FPL. We do not know if or when it may become available to us.

FPLE later withdrew the objection based on the understanding that the RLECWD and its consultant, Montgomery Watson-Harza, agreed to provide the requested information. As stated in the original objection, FPL Energy does not possess or control the computer model program or the input and output files.

DATED: September 10, 2001

Respectfully Submitted,

ORIGINAL SIGNED

Douglas E. Wance
Attorney for Applicant
FPLE Energy Sacramento Power, LLC

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

Docket No. 01-AFC-1

Application for Certification for the
FPLE Energy Sacramento Power, LLC
RIO LINDA/ELVERTA POWER
Project (RLEPP)

PROOF OF SERVICE

I, Gail Harmon, declare that on September 10, 2001, I served a copy of the attached APPLICANT'S OBJECTIONS TO THE STAFF'S SECOND SET OF DATA REQUESTS [92-234] electronically and by Federal Express by depositing such envelope in a facility regularly maintained by Federal Express with delivery fees fully provided for or delivered the envelope to a courier or driver of Federal Express authorized to receive documents at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, 16th Floor, Los Angeles, California 90071 with delivery fees fully provided for and addressed to the following:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

**CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 01-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512**

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In addition to the document served to the Commission Docket Unit, I also served individual copies of the same document by First Class Mail enclosing the document in a sealed envelope on the following parties. I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, 16th Floor, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, 16th Floor, Los Angeles, California 90071.

APPLICANT

Derrel A. Grant, Jr.
Vice President
FPLE Energy Sacramento Power, LLC
700 Universe Boulevard
Juno Beach, FL 33408

Counsel for Applicant:

Tim Rossknecht, Project Manager
FPLE Energy Sacramento Power, LLC
700 Universe Boulevard
Juno Beach, FL 33408

Dwight Mudry, Project Manager
Foster Wheeler Environmental Corp.
1940 East Deere Ave., Suite 200
Santa Ana, CA 92705

INTERVENORS

Ester I. McCoy
501 West U Street
Rio Linda, CA 95673-1123

Sam Wehn
Roseville Energy Facility, L.L.C.
101 California Street, Suite 1950
San Francisco, CA. 94111

SMUD
C/O Steve Cohn, Esq.
Senior Attorney
P.O. Box 15830, M.S. B406
Sacramento, CA. 95852-1830

John Victor Shepherd, Sr.
P.O. Box 819
Elverta, CA 95626-0819

CURE
C/O Marc D. Joseph, Esq.
Mark R. Wolfe, Esq.
Adams Broadwell Joseph & Cardoza
651 Gateway Blvd., Suite 900
South San Francisco, CA 94080

INTERESTED AGENCIES

Mr. Brian Krebs
Senior Air Quality Engineer
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, CA 95814

Mr. Gerardo Rios
Acting Chief, Permits Office
Air Division
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. Michael Tollstrup
Chief, Project Assessments Branch
Stationary Source Division
California Air Resources Board
1001 "I" Street
Sacramento, CA 95812

COE Hall
Department of Water Resources
POB 942836
Sacramento, CA 94236-0001

Kirk Sornborger
Western Area Power Administration
114 Parkshore Drive
Folsom, CA 95630

James F. Eagan
Yolo County Flood Control and Water Conservation District
34274 State Highway 16
Woodland, CA 95695

Justin Butler
U.S. Army Corp of Engineers, Sacramento Division
1325 J Street, Rm. #1480
Sacramento, CA 95814

Richard McHenry
Central Valley Regional Water Quality
Control Board (RWQCB)
3443 Routier Road
Sacramento, CA 95827

Mike Phelan
Rio Linda/Elverta Community Water District
730 L Street
Rio Linda, CA 95673

Pat Quinn
Sacramento County Public Works
Agency, Department of Water Quality,
Waste Management and Recycling Division
9850 Goethe Road
Sacramento, CA 95827

Counsel for Rio Linda/Elverta Community Water District

Emilio E. Varanini
Livingston & Mattesich, LC
1201 K Street, Suite 1100
Sacramento, CA 95814

Dwight E. Sanders
Div. of Environmental Planning and Management
California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

California Department of Conservation
Division of Mines and Geology
James F. Davis
801 K Street, MS-12-30
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct. Executed this
10th day of September, 2001 at Los Angeles, California.

Gail Harmon